Attorney's Docket No.:	3399P038	<u>Patent</u>
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### DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which

<u>X_</u>	is attached hereto.	
	was filed on (MM/DD/YYYY)	as
	United States Application Number	
	or PCT International Application Number	
	and was amended on (MM/DD/YYYY)	
	(if applicable)	

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	1			Priori <u>Claim</u>	
(Number)	(Country)	(Foreign Fi		Yes	No
(Number)	(Country)	(Foreign Fi	•	Yes	No
(Number)	(Country)	(Foreign Fi		Yes	No
I hereby claim the benefit u provisional application(s) lis		tates Code, Section	on 119(e) of ar	ny United S	States
(Application Number)	(Filing Date –	MM/DD/YYYY)			
(Application Number)	(Filing Date -	MM/DD/YYYY)			
I hereby claim the benefit u application(s) listed below a is not disclosed in the prior of Title 35, United States Co known to me to be material Section 1.56 which became national or PCT internations	and, insofar as the sub United States applicat ode, Section 112, I act to patentability as def available between the	oject matter of eac tion in the manner knowledge the du ined in Title 37, C e filing date of the	h of the claims provided by the ty to disclose a ode of Federal	of this ap ne first par all informa I Regulatio	plication agraph tion ons,
(Application Number)	(Filing Date – MM/	DD/YYYY) (Sta	itus patented pending	d, , abandon	ed)
(Application Number)	(Filing Date – MM/	DD/YYYY) (Sta	itus patented pending	d, , abandon	ed)
I hereby appoint Practitione as my/our attorney(s) or ag application identified above in the United States Patent	ent(s) to prosecute the , and to transact all bu	e usiness	Customer Number Bar Code Label F	lere 26529 ent trademark	

Send correspondence to the associated address to the above-mentioned Customer Number.

herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/Fir	st Inventor <u>Alain S. Rossmann</u>	
Inventor's Signature	He	Date <u>SANUARY</u> 16, 200
Residence Palo Alto,		Citizenship <u>French</u>
<u></u>	(City, State)	(Country)
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	Joint Inventor Bruce K. Martin, Jr.	
Inventor's Signature _	Bu KMM J	Date January 16, 2001
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Post Office Address 6	04 Wellsbury Court Palo Alto, California 94306	
Full Name of Third/Jo	int Inventor	
Inventor's Signature _	74.7 × 1.1	Date
Residence		Citizenship
	(City, State)	(Country)
Post Office Address		
Full Name of Fourth/J	oint Inventor	
Inventor's Signature _		Date
Residence		Citizenship
	(City, State)	(Country)
Post Office Address _		

#### APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Attorney's Docket No.:	<u>3399P038</u>	<u>Patent</u>
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Prior Foreign Application(s	3)		Priori <u>Clain</u>	
(Number)	(Country)	(Foreign Filing E MM/DD/YYY		No
(Number)	(Country)	(Foreign Filing D		No
(Number)	(Country)	(Foreign Filing [ MM/DD/YYY		No
I hereby claim the benefit provisional application(s)		ates Code, Section 11	9(e) of any United	States
(Application Number)	(Filing Date –	MM/DD/YYYY)		
(Application Number)	(Filing Date –	MM/DD/YYYY)		
I hereby claim the benefit application(s) listed below is not disclosed in the pric of Title 35, United States ( known to me to be material Section 1.56 which became national or PCT internation	and, insofar as the subjor United States applications application 112, I ack all to patentability as define available between the	ect matter of each of toon in the manner proven whether the duty to ned in Title 37, Code of the prior	the claims of this a vided by the first pa disclose all informa of Federal Regulati	pplication tragraph ation ions,
(Application Number)	(Filing Date – MM/I	DD/YYYY) (Status -	- patented, pending, abando	ned)
(Application Number)	(Filing Date – MM/I	OD/YYYY) (Status -	- patented, pending, abando	ned)
I hereby appoint Practition as my/our attorney(s) or a application identified above in the United States Pater	igent(s) to prosecute the re, and to transact all bu	er <u>26529</u> $\longrightarrow$ Nuclear	stomer mber Bar de Label Here 2652	9 RK OFFICE

Send correspondence to the associated address to the above-mentioned Customer Number.

herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Alain S. Rossmann	
Inventor's Signature	Date RY 16,200
Residence Palo Alto, California (City, State)	Citizenship French (Country)
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Post Office Address <u>663 Newell Road</u> Palo Alto, California 94303	
Full Name of Second/Joint Inventor Bruce K. Martin, Jr.	
Inventor's Signature BukMal	Date January 16, 2001
Residence Palo Alto, California	Citizenship <u>United States</u> (Country)
(City, State)	(Country)
Palo Alto, California 94306	
Full Name of Third/Joint Inventor	
Inventor's Signature	Date
Residence(City, State)	Citizenship
(City, State)	(Country)
Post Office Address	
Full Name of Fourth/Joint Inventor	
Inventor's Signature	Date
Residence	_ Citizenship
(City, State)	(Country)
Post Office Address	

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  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.